

**ULSTER TOWN BOARD MEETING
NOVEMBER 19, 2007 AT 7:00 PM**

CALLED TO ORDER BY SUPERVISOR WOERNER, CHAIRMAN at 7:00 PM

SALUTE TO THE FLAG

ROLL CALL BY CLERK

TOWN COUNCILMAN CRAIG ARTIST

TOWN COUNCILMAN DAVID BRINK

TOWN COUNCILMAN JOEL B. BRINK - absent

TOWN COUNCILMAN ROCCO SECRETO

SUPERVISOR NICKY B. WOERNER

Supervisor Woerner reported that Councilman Joel B. Brink has returned home from the hospital and is doing well. He is expected to return at the next Town Board meeting.

Robert Barton – What is the proposed boarding house law? What is the Co-Applicant Resolution Supporting the Ulster Countywide Shared Service Feasibility Study and Implementation Plan? What is the Co-Applicant Resolution Supporting the Ulster County Automatic Vehicle Locator System Shared Services Program?

Supervisor Woerner stated that the item would be addressed on the agenda. A public hearing will be held before any law is adopted. The sharing of service is a memorial resolution for the town to participate in a study where the town can share services with other municipalities and save money. The anticipated cost for the vehicle locator program is \$3,000.00. This is a program where the county will supply GIS tracking devices at a reduced cost to the Town to allow real time monitoring of town equipment.

John Boyd – Can you describe the credit union agenda item?

Supervisor Woerner stated that the credit union is in the process of purchasing the land adjacent to their property for a parking lot. There is a proposed zoning change involved. There is no rear street access to the parking area. A public hearing will have to be held. There is no structure to be built on the lot.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Supervisor Woerner motioned to approve the minutes of October 1, 2007 and October 15, 2007.
2nd by Councilman Artist

4 Ayes – Councilman Joel B. Brink was absent

COMMUNICATIONS

A letter was read from the Kingston-Ulster Airport requesting the Town Board approve a resolution to authorize the Town Supervisor to execute SEQRA Agency Compliance Statement to allow a grants fund to be released. The resolution was forwarded to the Town Attorney for review.

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COMMITTEE REPORTS

Councilman Secreto reported from the Highway Committee, that the leaf pick-up schedule is available to the public. He further reported that the docks at Rider Park have been removed.

Councilman Secreto announced that a Thanksgiving Dinner will be held from 10:30 AM to 2 PM at the Red Lobster that is sponsored by the PBA & the Salvation Army. All are welcome to attend for a free meal. All the food was donated by Wal-Mart. He thanked Lt. Sinagra.

Supervisor Woerner stated that this is the second Thanksgiving dinner. At the last one, over 700 meals were served. He anticipates serving over 800 people this year. There will be shuttle service available.

Councilman David Brink reported from the Finance Committee, that the abstract was reviewed and he thanked all the people who participated. He reported that Councilman Elect Eric Kitchen was present to help out.

Supervisor Woerner congratulated all the new and returning elected officials of the town: Eric Kitchen and Joel B. Brink as Councilmen, Frank Petramale as Highway Superintendent, Jason Cosenza as Town Clerk, Marsha Weiss as Town Justice, and James Maloney and Brian Cahill as County Legislators.

Councilman Secreto announced that the Town of Ulster Kiwanis will hold their Annual Senior Citizen Holiday Dinner on Saturday, December 1, 2007 at John A. Coleman High School on Hurley Avenue. Seating will be at 11:30 a.m. and 1:00 p.m.

Councilman David Brink reported from the Personnel Committee that the town is working to hire a clerk for the building department.

Councilman Artist reported that he anticipates there being openings in the Highway Department as people will be moving around to fill positions in various spots in the department due to Frank Petramale moving up to Highway Superintendent.

Supervisor Woerner stated that he had a conversation with the Highway Superintendent elect, Frank Petramale, about him leaving his post and the other vacancies that will come about. He wanted to post Working Supervisor (William Williams will be retiring in early 2008), Road Maintenance Leader (Frank Petramale's position), Heavy Machine Operator and Machine Operator. Councilman David Brink will meet with Mr. Petramale to start the process.

Supervisor Woerner motioned to post the position of working supervisor, road maintenance leader, heavy machine operator and machine operator.

2nd by Councilman Artist

4 Ayes - Councilman Joel B. Brink was absent

Councilman Secreto reported from the Building and Grounds Committee, that chair rails will be installed soon in the meeting room. He had a discussion with Justice Susan Kesick about the

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court applying for a grant for new chairs in the meeting room. The Town should know if funding is available.

Councilman Secreto reported from the Recreation Committee, that the Biddy Basketball League is starting. A deal was made with the YMCA to use their basketball courts. The league saved money as it doesn't have to rent out the schools on Saturday and the YMCA received benches from the town. He thanked Fritz Genther for running the softball league. A dinner will be held at the Hillside Manor.

Councilman David Brink reported from the Assessor, Building, Planning and Zoning Committee that the building department is not too busy. The new building Inspector is working out well.

Supervisor Woerner reported from the Information Services Committee that he is working with the Town Clerk to install a new Town Server. The paperwork will be forwarded to the committee for final approval.

DEPARTMENT HEAD REPORTS

Assessor's Office – Mr. James Maloney, the Town Assessor, reported that all the enhanced STAR forms have been sent out and he has been busy inspecting all the properties with the building permits. He attended a meeting with the Town Building Inspector, Paul Economos and the DEC about the new proposed flood maps. The maps are subjected to a review process and town board will need to pass a local law adopting them. If they are not adopted, then town residents will not be eligible for flood insurance. Further, in order for the town to receive the remaining \$12,500 flood reimbursement money, the town needs to keep and carry flood insurance for the Town Hall in the amount of \$5,260. He had a meeting with the Army Corp of Engineers and has shared all his information from 2005. He had a meeting with all the Fire Chiefs and asked them to supply him with a list of all their active members so he can proceed in getting the firemen exemptions started for 2008.

Supervisor Woerner motioned to purchase and maintain flood insurance through the Valley Group in the amount of \$5,260 for the Town Hall located at 1 Town Hall Drive to meet the requirements for reimbursement from the State and Federal Government.

2nd by Councilman Secreto

A Roll Call Vote was taken - 4 Ayes – Councilman Joel B. Brink was absent

Building Department – Supervisor Woerner reported all is going well.

Town Clerk – The monthly report was read by Town Clerk Cosenza. The office is gearing up for the tax collection process. He thanked the Highway Department for their work in moving the election machines to various locations in the town for Election Day.

Highway Department – Donald "Mac" Tinnie reported that all is running on schedule. Leaf collection is going well.

Water Department – The monthly report was read. His department has been busy with water breaks.

Waste Water – Superintendent Halwick reported all is well.

Police Department- Police Chief Watzka read the monthly report. He had a discussion with the Highway Superintendent and Supervisor about placing a stop sign on the corner of Mentnech

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Court and Groff St. He reported that Saturday, December 8, 2007 the PBA will host a free movie at the Cinema 12 Movie Theater at the Hudson Valley Mall.

Councilman Secreto motioned to approve the following:

ABSTRACT OF CLAIMS

FUND	CLAIM #	AMOUNT
<i>UTILITIES</i>		
GENERAL	1101-1130	9,024.58
ULSTER WATER	1101-1107a	5,409.57
HALCYON PK. WATER	1101	354.23
SPRING LAKE WATER	1101-1104	299.37
BRIGHT ACRES WATER	1101	261.88
GLENERIE WATER	1101	18.00
EAST KINGSTON WATER	1101	36.00
WHITTIER SEWER	1101	48.85
ULSTER SEWER	1101-1106	9,283.69
WASHINGTON AVE. SEWER	1101-1102	433.57
SPECIAL LIGHT	1101-1106	3,415.47
<i>ALL OTHERS</i>		
GENERAL	1101-11154	181,011.37
HIGHWAY	1101-1138	157,289.36
WHITTIER SEWER	1101-1106	2,489.18
ULSTER SEWER	1101-1121	17,156.90
WASHINGTON AVE. SEWER	1101-1103	577.46
ULSTER WATER	1101-1126	111,103.63
BRIGHT ACRES WATER	1101-1104	995.26
INSURANCE (ALL FUNDS)	1101-1119	101,785.55
<i>CAPITAL PROJECTS</i>		
TRUST & AGENCY	1101-1110	4,791.25
DRAINAGE PROJECTS	1101	8,380.00
	TOTAL	\$ 614,165.17

2nd by Councilman Dave Brink

A Roll Call Vote was taken – Four Ayes - Councilman Joel B. Brink was absent

7:30pm - Proposed Small Cities Economic Development

Supervisor Woener opened the public hearing for Small Cities Economic Development at 7:42 PM.

Thomas Kacandes, director of business development at Tech City Property, thanked the Town for their cooperation in this process. He asked the Town Board to help apply for a \$750,000 grant to attract solar development business into the Tech City property. The money will come from the Federal HUD program that is administered through NYS. Only municipalities can

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apply for the grant. Primis Solar Technologies is a company that makes a thin film of plastic that makes the solar panels more effective. They estimate that this company will create at least 300 jobs.

Mr. Robert Barton – Is this development allowed for the area?

Thomas Kacandes – The area is zoned for light manufacturing which this project is. Plastic panels will be made to export to other locations.

Mr. Larry Winkler – If there are other places where this process can be performed, can you take the grant money and spend it in those other places?

Supervisor Woerner – No. The money is targeted only for this area, only for renovation to the building and equipment to bring the business in the area.

Supervisor Woerner closed the public hearing at 7:50 PM

2nd by Councilman Artist

Four Ayes - Councilman Joel B. Brink was absent

Supervisor Woerner motioned to approve the submission of a Small Cities Economic Development grant application in the amount of \$750,000 on behalf of Prism Solar Technology Inc. to be located at Tech City

2nd by Councilman Secreto

A Roll Call Vote was taken – Four Ayes - Councilman Joel B. Brink was absent

7:45pm - Proposed Local Law to Amend the Sewer Law to include Washington Ave Sewer District

Supervisor Woerner opened the public hearing for proposed local law #5 to amend the sewer law of the town of Ulster at 7:52 PM.

Supervisor Woerner motioned to close the public hearing at 7:53 PM

2nd by Councilman David Brink

Four Ayes - Councilman Joel B. Brink was absent

Proposed Local Law to Amend the Sewer Law to include Washington Ave Sewer District

Supervisor Woerner moved to adopt the following local law amendment of the sewer law to include the Washington Avenue Sewer District:

A Local Law, amending Local Law No. 1 of the Year 1981 pertaining to Town Sewers and amending Local Law No. 1 of the year 1991 pertaining to the Adoption of the Town Code.

Be it enacted by the Town Board of the Town of Ulster, Ulster County, New York, as follows:

SECTION I. AMENDMENT

A. Section 141-2(B) of the Code of the Town of Ulster is hereby amended so that its definition of “IMPROVEMENT” shall hereafter read as follows:

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“The Ulster Sewer District or the Whittier Sewer District or the Washington Avenue Sewer District, Town of Ulster, Ulster County, New York.”

B. Section 141-2(B) of the Code of the Town of Ulster is hereby further amended so that the reference to “Ulster Sewer Improvement Area” in its definition of “SUPERINTENDENT” shall be changed to “Ulster Sewer District”.

C. Section 141-13 of the Code of the Town of Ulster is hereby amended so that its title shall hereafter read as follows: “Construction of provisions.”

SECTION II. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

SECTION III. EFFECT OF AMENDMENT

Except as herein modified, Local Law No. 1 of the year 1981 and Local Law No. 1 of the year 1991, and any subsequent valid amendments thereto, are hereby ratified and confirmed.

SECTION IV. EFFECTIVE DATE

This Local Law shall be effective as provided by law, upon filing and acceptance by the New York Secretary of State.

2nd by Councilman Secreto

A Roll Call Vote was taken – Four Ayes - Councilman Joel B. Brink was absent

7:50pm - Hearing for the Oxygen Day Spa on Morton Blvd.

Supervisor Woerner opened the public hearing for the Oxygen Day Spa at 7:54 PM

Richard Ulloa – Stated he is the owner of the project and read a letter into the record (see attached). He further submitted sixty-six form letters of support for the project.

Barbara Wise – Read a letter into the record (see attached).

Stacey Kuhnel - Read a letter into the record (see attached).

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Supervisor Woerner clarified for the record that Mr. Ulloa has been sited for using the property that was zoned as a cabinet shop as a residential property. He is working to correct that problem and that is a separate issue from this public hearing.

There was a discussion among the Town residents, Town Board and Town Attorney about the cabinet shop being used as a boarding/half-way house in the area. The residents expressed a concern about a bad element in the area.

Mark Kuhnel – Stated his concern that if the spa closes, the building will be a multi-person residence. He requested that the Town Board not proceed until the current violations are remedied.

William Street - Read a letter into the record (see attached).

Supervisor Woerner struck out the information not pertaining to the public hearing and added the other comments to the public comments at the end of the meeting.

John Boyd – Expressed a concern about the lack of information available to the public and the traffic that will impact the area.

Eric Kitchen – What is a men's boot camp?

Richard Ulloa – It is an alternative term for spa services for men like hot razor shaves, pedicures, manicures etc. The building is a two-story building with a modular home. It is state approved for both commercial and resident use. The cost is between \$250,000 to \$600,000.

Supervisor Woerner reported that the project has been signed off by the Water and Waste Water Departments. There is no additional impact for the building's use.

John Miggins – Is not in favor of the project. The residents in the area have to deal with the school, laundromat, and little league traffic. He feels there is enough development in the area.

Mark Kuhnel – Are there any laws that regulate half-way houses?

Supervisor Woerner – There are no laws that regulate the location of half-way houses that he is aware of.

Peter Burnett – Complained that there is an unregistered car on the property, a basketball hoop laying in the yard, a spa/hot tub deteriorating and that the property appears unkept. He inquired what proof is needed to show a property as a halfway house. He further asked the town not to take any action on the project until the current problems are resolved.

Richard Ulloa – Stated the property is going to be renovated with new siding placed on the property and all these problems will be taken care of.

Supervisor Woerner stated that proof could be a federal, state, local or non-for profit agency stating that they provided services to the residents in a house. He also stated he would not take any action until certain issues are resolved and questions answered.

Ms. Maidl – She feels that it is the town attorney's job to investigate these concerns. She expressed concern about the increase in traffic the project would cause to the area.

Mr. Hoyt – Why is there a public hearing?

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Supervisor Woerner stated that a public hearing is required for any site plan approval. Town law states that any project over 2,500 square feet appear before the town board for approval.

Gentleman from audience – Expressed concern about questionable characters being allowed to live close to a school.

Supervisor Woerner stated that he would research that matter.

Bill Aumand – Can the hearing be held off until the matter is resolved (on what is going on in this structure)?

Supervisor Woerner stated that there was no need to call the hearing off. More hearings could be held if needed. The approval could be delayed until the matter is resolved.

Mr. Miggins – Can the town board not approve the project if the information is not correct or use allowed was violated?

Supervisor Woerner stated that site plan approval has to be based on information presented, not on past violations or misinformation. The hearing has to be focused on the use of the property and the project.

Town Attorney Zewben explained that the house was zoned as a cabinet shop to accommodate a use. The house switched hands. No one knows if cabinets were made there. The applicant is in violation by using the property as residences.

Lori Miggins – Where is the parking lot and building going to be built? She expressed concern about the traffic flow in the area with the school, residents, Little League Field and soccer league and the impact of the additional customer base affecting it. Is a traffic light going to be added? Is not in favor of the project as it would seem too congested.

Terri Lovenguth – She expressed concern about traffic along the street.

Mr. William Street – He suggested a changing the protocol in the process, such as posting signs on the property to notify neighbors to allow them to know what is going on.

Sue Apcons – Does the owner of the property feel that this is the best use with having a business on the same property as a residential house?

Richard Ulloa – Yes. Everything will be improved.

Mr. Michael Berardi – Does this prohibit overnight lodgings? Does the zoning limit its time of use (24 hour operation)? Requested that the town codes be changed to prohibit 24 hour use.

Richard Ulloa – No one is staying overnight. It will have limited hours of use, 7 AM to 9 PM.

Lady from the audience – Requested the hours be limited in conjunction with the traffic to area. Supervisor Woerner inquired if a traffic study is required for the project? Are hours made by appointment? How many customers visit daily?

Richard Ulloa stated that he takes walk-ins. He has about 50 customers a day. Lunch time is his peak time for tanning. Maximum occupancy is 10 people with 3 to 5 workers. 14 cars maximum

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in the parking lot. He anticipates the business to grow with customers spending more time there and to attract more clients. He further anticipates to be closed Sundays and possibly Mondays.

Supervisor Woerner closed the public hearing at 9:04 PM with suggestion that the Town Board to refrain from making a decision until the board can have further discussion with the Town Attorney and Planner as to how this project fits into the character of the area

Proposed Zoning Change of a vacant piece of land being purchased by the Mid-Hudson Valley Federal Credit Union

Gerard “Ozzie” Beichert, the Town Planning Board Chairman, explained the Mid-Hudson Valley Federal Credit Union would like to purchase the property next to its location on Morton Blvd. for the purpose of making it a parking lot. It will need to be zoned commercial. His board made some recommendations such as only access from Morton Blvd. and screening will be required on the residential side.

Mr. Bill Spearman, CEO for the Mid-Hudson Credit Union, stated he wanted to introduce this project to the Town. He is looking to expand the parking due to its success to accommodate its employees and open space for its membership. Most of the parking will be for its employees.

Gentleman from audience – Can the property be used without changing it to commercial? The neighbors don’t want the property to be commercial.

Mr. Spearman – No. The Town Code requires it. The proposal is to make the properties the same and to merge the properties.

Mr. Street – Is all the vegetation going to be taken out?

Mr. Spearman – There will be screenings.

Town Attorney Zewben – There has been no site plan submitted. He asked for some drawings so people could visualize the property. The questions being asked are site plan issues. This is just a concept.

Supervisor Woerner motioned to set a public hearing on Monday, December 17, 2007 at 7:30 PM for a zoning change for the property (1089 Morton Blvd., with an irregular size of 450 ft wide by 162 ft deep, from R10 to LC, parcel #48.42-4-5)

2nd by Councilman David Brink

Four Ayes - Councilman Joel B. Brink was absent

Proposed Local Law for Boardinghouses and Rooming Houses Boarding Houses

Councilman Secreto motioned to set a public hearing for proposed local law to zone and regulate boardinghouses and rooming houses in the Township on December 4, 2007 at 7:15 PM

2nd Supervisor Woerner

Four Ayes - Councilman Joel B. Brink was absent

Supervisor Woerner announced that the Town Board meeting for December 3, has been moved to Tuesday, December 4, 2007.

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Adoption of the 2008 Budget

Councilman David Brink motioned to approve the Town of Ulster 2008 budget as submitted.

2nd by Councilman Artist

A Roll Call Vote was taken - Four Ayes - Councilman Joel B. Brink was absent

Co-Applicant Resolution Supporting Ulster Countywide Shared Service Feasibility Study and Implementation Plan

Councilman Secreto motioned to approve the following resolution:

Co-Applicant Resolution Supporting Ulster County's Application titled: Ulster Countywide Shared Service Feasibility Study and Implementation Plan.

WHEREAS, as a Co-applicant, after due consideration, has determined that it is desirable and in the public interest to support Ulster County in the submittal of an application under the 2007-2008 Shared Municipal Services Grant Program to be titled the Ulster Countywide Shared Service Feasibility Study and Implementation Plan.

IT IS HEREBY RESOLVED THAT:

as a co-applicant, is in support of the County's grant application submitted to the 2007-2008 Shared Municipal Services Grant Program and agrees to provide to the County or the County's designee, copies of all municipal department budgets, staffing plans, development plans, service subcontracts, and any or all other information relating to the development of the Ulster Countywide Shared Service Feasibility Study and Implementation Plan and as co-applicant, ensures government representation and participation in the study's' development and implementation.

2nd by Councilman David Brink

Four Ayes - Councilman Joel B. Brink was absent

Co-Applicant Resolution Supporting Ulster County's Submittal of an Application titled: Ulster County Automatic Vehicle Locator System Shared Services Program.

Councilman Artist motioned to approve the following resolution:

WHEREAS, as a Co-applicant, after due consideration, has determined that it is desirable and in the public interest to support Ulster County in the submittal of an application under the 2007-2008 Shared Municipal Services Grant Program to be titled the Ulster County Automatic Vehicle Locator System Shared Services Program.

The major outcomes proposed in the application include:

- Reduction in the numbers of required equipment and vehicles
- Reduction in the number of required sub and salt stations

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IT IS HEREBY RESOLVED, that the Town of Ulster as a Co-Applicant, is in support of Ulster County's 2007-2008 Shared Municipal Services Grant Program and as a Co-Applicant, ensures government representation in the planning of the program's proposed implementation.

2nd by Councilman David Brink

A Roll Call Vote was taken - Four Ayes - Councilman Joel B. Brink was absent

Councilman Secreto motioned to approve the following:

MUNICIPAL ENDORSEMENT

WHEREAS: Kingston-Ulster Airport, Inc. received a grant from the Federal Aviation Administration to pay 95% of the allowable costs incurred in accomplishing the following project at Kingston- Ulster Airport:

"Perform Airport Layout Plan Update (With Terminal Area Plan & Obstruction Study)"

WHEREAS: the New York State Department of Transportation is offering a matching grant to the Federal grant for 50% of the non-Federal share of eligible costs; and

WHEREAS: the New York State Department of Transportation, under Section 14h of the State Transportation Law, requires privately owned reliever facilities to obtain local municipal support to receive New York State funding.

NOW, THEREFORE, BE IT

RESOLVED: that the Town Board of the Town of Ulster endorses the above described project for the purpose of making the project eligible for State funding;

RESOLVED: that the adoption of this Resolution shall be solely for the purposes stated herein and in no way binds the Town Board, the Planning Board and/or the Zoning Board of Appeals of the Town of Ulster to any approvals, permits and/or licenses which may be required by the applicant for future projects or work related to Kingston-Ulster Airport;

RESOLVED: it has heretofore been determined by the Town Board, under Part 617 of the State Environmental Quality Review Act (SEQR), of the State of New York, that the aforesaid project to Perform an Airport Layout Plan Update (With Terminal Area Plan and Obstruction Study), including basic data collection, research and engineering studies, constitutes a Type II Action which will not have a significant impact upon the environment. The Supervisor of the Town of Ulster is hereby authorized to sign and date the State Environmental Quality Review form, as attached herewith; and, be it

FURTHER RESOLVED: that this Resolution shall take effect immediately.

2nd by Councilman David Brink

Four Ayes - Councilman Joel B. Brink was absent

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Supervisor Woerner motioned to set a public hearing for Frank Sottile Blvd for December 4, at 7:30 PM - (Note: Date was changed to December 17, 2007 at 7:45 PM due to the posting requirements and the finalization of exhibit "A")

In the Matter Of The construction of improvements to Frank Sottile Boulevard in the Town of Ulster, Ulster County, New York	ORDER CALLING PUBLIC HEARING
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WHEREAS, the Town Board of the Town of Ulster, Ulster County, New York has under consideration an improvement to Frank Sottile Boulevard pursuant to Section 200 of the Town Law; and

WHEREAS, the improvement proposed consists of the extension of such road to New York State Highway 209/199, including incidental improvements and expenses in connection therewith at a maximum estimated cost of \$7,000,000.00, as more fully set forth in the Petition; and

WHEREAS, the proposed method of financing the cost of said improvements consists of the issuance of bonds of said Town maturing in annual installments over a period not exceeding fifteen years, which will be payable in the first instance from assessments upon the real property in said Town of Ulster benefited thereby in accordance with Section 200 of the Town Law; and

WHEREAS, the benefited properties consist of those abutting, fronting or in the vicinity of the proposed improvement as further identified in the Exhibit A; and

WHEREAS, it is now desired to call a public hearing upon the question of undertaking the aforesaid road improvement pursuant to Section 200 of the Town Law;

NOW, THEREFORE, BE IT ORDERED, by the Town Board of the Town of Ulster, Ulster County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Ulster, Ulster County, New York, shall be held at the Town Hall, in Ulster, New York, in said Town, on the 17th day of December, 2007, at 7:45 o'clock P.M., prevailing time, for the purpose of holding a public hearing to consider the matters described in the preambles hereof, and to hear all persons interested in the subject matter thereof concerning the same, and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of this order to be published once in the official newspaper of said Town, the first publication thereof to be not less than ten nor more than twenty days before the day set herein for the hearing as aforesaid, and said Town Clerk shall also cause a copy thereof to be posted (i) on the sign-board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, and (ii)

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conspicuously in five public places along the road to be improved, not less than ten nor more than twenty days before the day set for the hearing as aforesaid.

Section 3. This order shall take effect immediately.

EXHIBIT "A"
DESCRIPTION OF THE TOWN OF ULSTER DEVELOPMENT
FACILITATION IMPROVEMENTS DISTRICT NO. 2,
TOWN OF ULSTER, ULSTER COUNTY, NEW YORK

Beginning at a point on the Easterly side of N.Y.S. U.S. Route 9W, said point also being the Northwestern corner of PCK Development, L.L.C. and running:

- 1) thence from said point of beginning along the Southerly line of lands of Melach Partners, L.L.C., Liber 3990 Page 268, South 85° 29' 51" East, 500.38 feet to a point;
- 2) thence along the Easterly line of lands of Melach Partners, L.L.C. North 2° 31' 05" East, 270.77 feet to a point;
- 3) thence North 85° 36' 07" West, 195.30 feet to a point;
- 4) thence along the Easterly line of lands of Friendly Ice Cream Corp., Liber 1475 Page 714, North 3° 23' 54" East, 164.93 feet to a point on the Southerly line of lands of TJM Associates,
Liber 2135 Page 51;
- 5) thence along the Southerly, Easterly and Northerly line of lands of TJM Associates, the following courses and distances: South 85° 36' 07" East, 66.00 feet to a point;
- 6) thence North 23° 30' 21" East, 72.73 feet to a point on the Southerly side of lands of the Town of Ulster, Liber 2522 Page 231, Frank Sottile Boulevard;
- 7) thence along the Southerly side of Frank Sottile Boulevard, the following course and distances: North 55° 01' 00" West, 26.92 feet to a point;
- 8) thence Westerly on a curve to the left having a radius of 333.00 feet, 196.08 feet to a point;
- 9) thence North 88° 45' 13" West, 174.02 feet to a point on the Easterly side of N.Y.S. U.S. Route 9W;
- 10) thence continuing along the Easterly side of N.Y.S. U.S. Route 9W and crossing Frank Sottile Boulevard and along the Westerly line of Parcel 2D, Lands of Hudson Valley New Co., LLC, the following courses and distances: North 6° 48' 53" East, 79.40 feet to a point;
- 11) thence North 9° 20' 59" East, 26.59 feet to a point;
- 12) thence North 83° 47' 16" East, 60.10 feet to a point;
- 13) thence North 8° 05' 36" East, 156.87 feet to a point;
- 14) thence North 6° 37' 36" East, 119.44 feet to a point;
- 15) thence North 68° 40' 58" West, 44.41 feet to a point;
- 16) thence Northeasterly on a curve to the right, having a radius of 643.81 feet, 154.36 feet to a point;
- 17) thence North 35° 21' 44" East, 440.52 feet to a point;
- 18) thence Northeasterly on a curve to the right, having a radius of 375.00 feet, 230.53 feet to a point on the Southerly side of N.Y.S. Route No. 199;
- 19) thence along the Southerly side of N.Y.S. Route No. 199 and the Northerly line of Parcel 2A and 2E, Lands of Hudson Valley New Co., LLC, Easterly on a curve to the left, having a

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radius of 4638.35 feet, 1667.98 feet to a point at the Northwesterly corner of Kingston Landing Development, LLC;

20) thence along the Westerly and Southerly line of Kingston Landing Development, LLC, the following courses and distances: South 18° 31' 30" West, 514.73 feet to a point;

21) thence South 71° 15' 30" East, 750.75 feet to a point;

22) thence South 16° 52' 30" West, 218.79 feet to a point;

23) thence South 71° 15' 30" East, 660.00 feet to a point;

24) thence South 16° 52' 30" West, 175.82 feet to a point;

25) thence North 71° 16' 30" West, 1422.29 feet to a point;

26) thence South 18° 31' 30" West, 531.72 feet to a point;

27) thence South 71° 16' 30" East, 959.25 feet to a point;

28) thence South 6° 26' 12" West, 770.60 feet to a point;

29) thence North 85° 47' 02" West, 638.86 feet to a point on the Easterly side of Frank Sottile Boulevard;

30) thence along the Easterly side of Frank Sottile Boulevard, South 6° 04' 20" West, 187.49 feet to a point on the Easterly line of lands of PCK Development Corp. LLC;

31) thence along the Easterly line of lands of PCK Development Corp. LLC and the Westerly side of Frank Sottile Boulevard, South 6° 04' 20" West, 786.68 feet to a point;

32) thence crossing Frank Sottile Boulevard South 6° 04' 20" West, 221.70 feet to a point on the Westerly line of lands of Kingston Landing Development LLC;

33) thence along the Westerly line of lands of Kingston Landing Development LLC, South 6° 04' 20" West, 224.27 feet to a point on the Northerly line of lands of Ulster County Resource Recovery Agency, Liber 2281 Page 297;

34) thence along the Northerly line of lands of Ulster County Resource Recovery Agency North 88° 05' 54" West, 141.21 feet to a point;

35) thence North 85° 14' 41" West, 39.15 feet to a point;

36) thence crossing Frank Sottile Boulevard and continuing along the Northerly line of lands of Ulster County Resource Recovery Agency North 85° 14' 41" West, 250.50 feet to a point;

37) thence North 83° 57' 01" West, 319.48 feet to a point at the Northeasterly corner of lands of Richard A. DiDonna, Liber 1500 Page 989;

38) thence along the Northerly line of lands of Richard A. DiDonna, North 83° 27' 51" West, 566.36 feet to a point on the Easterly line of Mall-King Ulster Associates, Liver 1505 Page 515;

39) thence along the Easterly and Northerly line of lands of Mall-King Ulster Associates North 9° 18' 49" East, 482.85 feet to a point;

40) thence North 85° 19' 11" West, 263.77 feet to a point on the Northerly line of lands of Louis A. DiDonna, Liber 1365 Page 1150;

41) thence along the Northerly line of Louis A. DiDonna, North 45° 20' 36" West, 230.65 feet to a point on the Easterly line of lands of Louis A. and Richard A. DiDonna, Liber 1365

Page 1150;

42) thence along the Easterly and Northerly line of lands of Louis A. and Richard A. DiDonna, the following courses and distances: North 13° 35' 49" East, 58.46 feet to a point;

43) thence North 84° 38' 11" West, 79.11 feet to a point at the Southeasterly corner of lands of Alorjim Realty, Liber 2833 Page 136;

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- 44) thence along the Easterly line of lands of Alorjim Realty, North 3° 11' 29" East, 245.77 feet to a point on the Southerly line of lands of Richard A. DiDonna;
- 45) thence along the Southerly line of lands of Richard A. DiDonna the following courses and distances: South 89° 56' 31" East, 43.54 feet to a point;
- 46) thence North 0° 11' 29" West, 139.80 feet to a point;
- 47) thence North 27° 43' 20" East, 52.72 feet to a point;
- 48) thence Northwesterly on a curve to the left, having a radius of 119.00 feet, 28.77 feet to a point;
- 49) thence along the Southerly line of Parcel II, Lands of PCK Development Corp. LLC, North 85° 58' 17" West, 200.27 feet to a point;
- 50) thence Northwesterly on a curve to the right, having a radius of 34.00 feet, 15.70 feet to a point on the Easterly side of N.Y.S. U.S. Route 9W;
- 51) thence along the Easterly side of N.Y.S. U.S. Route 9W North 3° 25' 44" East, 108.00 feet to a point on the Southerly line of other lands of Richard A. DiDonna, Liber 3206 Page 164.
- 52) thence along the Southerly and Easterly line of lands of Richard A. DiDonna, the following courses and distances: South 85° 29' 51" East, 248.02 feet to a point;
- 53) thence North 8° 13' 13" East, 138.04 feet to a point;
- 54) thence North 74° 30' 44" West, 25.75 feet to a point;
- 55) thence North 4° 01' 23" West, 33.74 feet to a point;
- 56) thence North 68° 10' 42" West, 13.01 feet to a point;
- 57) thence North 2° 08' 45" East, 120.41 feet to a point on the Southerly line of lands of Jake LLC, Liber 2604 Page 1;
- 58) thence along the Southerly, Easterly and Northerly line of lands of Jake LLC, the following courses and distances: South 85° 29' 51" East, 4.05 feet to a point;
- 59) thence North 1° 53' 24" East, 217.58 feet to a point;
- 60) thence North 55° 29' 51" West, 40.00 feet to a point;
- 61) thence North 85° 29' 51" West, 152.27 feet to a point;
- 62) thence South 64° 30' 09" West, 40.00 feet to a point;
- 63) thence North 85° 29' 51" West, 14.00 feet to a point on the Easterly side of N.Y.S. U.S. Route 9W;
- 64) thence along the Easterly side of N.Y.S. U.S. Route 9W, North 1° 03' 15" East, 40.94 feet to a point;
- 65) thence North 7° 15' 20" East, 66.58 feet to the place of beginning.

All bearings are referred to Grid North (East Zone) Plane Coordinate System.

The above described district encompasses Tax Map Parcels Section No. 48.008 Block 1 Lots 34.1.1, 34.1.2, 34.21, 34.22, 34.23, 34.3, 38, 1.112, and 1.212.

November 19, 2007 Christopher J. Zell, P.L.S.

Brinnier & Larios, P.C.

2nd by Councilman Secreto

Four Ayes - Councilman Joel B. Brink was absent

Supervisor Artist motioned to adjourn the meeting at 9:29 PM

2nd by Councilman Secreto

Four Ayes - Councilman Joel B. Brink was absent

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Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk

Town of Ulster public meeting 11/19/2007

My name is Richard Ulloa and I currently own Final Cut tanning & hair salon on Morton Blvd.

Around three years ago I purchased the cabinet place on 12 Van Keuren Hwy with the intention to eventually create a new place for my business, because we have outgrown the current space and we could not provide additional services to our clients.

Out of the need for more space we developed the concept of the Oxygen2 Day Spa. A full service health and beauty day spa where the customers can relax, be pampered get all their services, learn health and beauty concepts.

We will be converting Final Cut into The Oxygen 2 Hair, Tanning & Spa.

The O2 Spa will provide to our 2,500 client base and to our community the following services within one building.

A John Paul Mitchell Focus Hair Salon, this salon will contain a separate relaxing space for customer shampooing, conditioning, detoxification and rinsing of hair. This concept is called the "Wash house". Another separate and "open" space will be designated for the Color and Chemical process. Clients will have the opportunity to see the master colorist mix their formulas. This concept is called the "Color Bar". Retail, waiting area and fireplace will also be provided.

An organic juice bar, an oxygen bar, laser hair removal, tanning, Spa services such as wraps, massage, facials, pedicures and manicures.

An exercise pool for Water aerobics and cool down's.

These are some of the service that we will provide.

I have a few signed letters from our customer base in favor of the o2 Spa that I would like to add to the record.

I hope this provides the town and the Town Board a brief description of the project.

I will be available after the meeting if anyone has a question. Does the board have any questions for me at this time?

Richard Enrique Ulloa

The recently adopted Comprehensive Plan is a detailed and inclusive document which fosters growth and development while preserving the integrity and vibrancy of the Town and encourages the retention of its rural and historic character. The Plan is a working document to be utilized by the various Town entities in their respective functions and which identifies the goals, vision, policies and strategies which are specifically structured to guide smart growth and development in the Town for the next 10 to 15 years. The Comprehensive Plan is the foundation upon which the growth of the Town will be based. The Plan is intended to guide the Town when various decisions are made that affect the immediate and longer range protection, enhancement, smart development and growth of the Town. Public participation into the development of the Plan included a variety of public informational meetings, visioning sessions, public hearings and a resident survey. Thus, the adopted Plan reflects current community values and enables the Town to have legitimate control over the character of future development. In order for this Plan to be effective, the Town must actively and consistently apply all the appropriate elements contained within it. The Planning Board and Zoning Board of Appeals must strictly use the Plan as a framework to guide their decisions with respect to the review of development proposals.

During the development of the Plan, public input clearly expressed a sense that existing regulations did not do enough to ensure that there was a sufficiently developed buffer between residential and commercial development intended to retain the integrity, character and real value of impacted residential neighborhoods. The public survey indicated that the vast majority of respondents felt that it was "very important" that the Planning Board considers and carefully assesses the potential impact of any development initiative on nearby residents. Public responses characterized the importance protecting and preserving property rights, assessing the character impact of new development on residential neighborhoods as well as the desire for stronger and stricter code enforcement.

It is obvious that the Planning Board has failed in its review and deliberation of the Day Spa project, to consider the negative aspects of the project and has failed to apply the planning review guidelines in the context of the Comprehensive Plan and for these reasons, the Town Board is strongly encouraged to reject this project in this targeted neighborhood.

Adolescent

Criticized

The September 26, 2007 Freeman editorial, ~~criticizing~~ the Town of Ulster planning function, ~~had it absolutely right~~. The editorial questions whether planning decisions that are made are ever going to consistently be grounded in sound planning principles? ~~The Freeman editorial further states: "....evidence suggests that the Town has operated not on sound planning principles but rather under the short term illusion that greasing the skids for development, at any cost, is a good deal. It is not!"~~ The editorial further states "The evidence is everywhere that planning in the Town of Ulster is not protecting citizens and property owners as it should." You only need to drive throughout the Town of Ulster to see the hodge-podge of inconsistent, incompatible and ill conceived development that is ~~destroying the quality of life fabric of the Town and eroding sound growth opportunities that are otherwise enjoyed and realized by other vibrant communities whose controlled and uncompromised growth objectives are based on commitment to solid planning principles and comprehensive plans as well as strict and uncompromised code enforcement.~~

*I think
Everyone in
this room
would agree*

I'm not saying this group is wholly responsible for the past - but this project is an opportunity to do the right thing.
As you may or may not know, the proposed Day Spa site is an expansion to an existing half-way-house whose evolvement and existence are both a mystery and unknown to the local neighborhood. Why didn't we know about it? Who approved it? Who is regulating, managing and monitoring it? Since its inception, it has been a blight and a public nuisance to the neighborhood and the use, lack of general property maintenance and its general appearance are absolutely not in keeping with the appearance and use of the surrounding neighborhood. The existing operation is not a permitted or approved use and the proposed expanded application, in light of the current issues, must not be allowed. The integrity of the neighborhood must be preserved and the quality-of-life rights of the long standing stakeholders must be protected. ~~In the context of what was stated,~~ you must not allow approval of this incompatible development.

Efficient, effective and progressive planning requires the application of sound planning principles and must be done so in the context of an adopted Comprehensive Plan. It establishes a vision for the community of what it is and what it wants to be. The recently adopted Town of Ulster Comprehensive Plan represents a collaboration of inputs from many entities including public participation through public informational meetings, visioning sessions, public hearings and resident surveys. The output of this comprehensive initiative defined the Town's overall direction and objectives in regards to the growth of our community. It clearly defines the Community's desire to protect and preserve the character of residential neighborhoods. There was pronounced recognition that existing regulations did not do enough to ensure that there was adequate buffer between residential and commercial development. There was also an expressed desire to have a greater control over the character or design of new development so that new commercial and residential development would enhance the character of the Town without compromising the integrity, safety of its residents, quality of life issues and real values of residential neighborhoods.

The Creation of the Plan and its adoption by the Town Board were significant and important measures. However, it appears that the implementation of the various elements of the plan has yet to be initiated and the planning process is proceeding without regard to the newly established objectives, guidelines and disciplines. The Town's planning board, zoning board of appeals and the Town Board apparently have not yet been versed regarding the content and guidelines of the Comprehensive Plan and are acting irresponsibly and in a vacuum in regards to the application of the Plan to new planning activities. Stagnating the Plan implementation process is both irresponsible and unacceptable and as a consequence, the cost of long lasting incompatible development will be borne by the constituency. The property in question currently is operating as a drug & alcohol half-way house which compromises the integrity and quality of life of our neighborhood. It also is a potential threat to the children that Play on school property or attend Chambers School (less than 200' from school property). The Day Spa Project should not even be considered for approval based on the property's current use. It is therefore that we ask that the Town Board reject the Planning Board's Recommendation.]